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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

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9 UNITED STATES OF AMERICA, )  
10 Plaintiff, ) 2:07-cr-132-PMP-RJJ  
11 vs. )  
12 KATHY NELSON, ) **GOVERNMENT'S MOTION**  
13 Defendant. ) **FOR CONTINUANCE**  
14 \_\_\_\_\_)

15 COMES NOW the United States of America, by and through DANIEL G. BOGDEN, United  
16 States Attorney, and ADAM M. FLAKE, Assistant United States Attorney, and respectfully requests  
17 this court to enter an order granting the Government's motion to continue the date for the response  
18 to defendant Kathy Nelson's motion under 28 U.S.C. § 2255, which Nelson filed on or about August  
19 3, 2010.

20 On August 23, 2010, the Court ordered the Government to respond to this motion by  
21 September 20, 2010. By this motion, the United States requests that the deadline be continued until  
22 October 20, 2010.

23 As grounds for this motion, the Government avers as follows:

24 1. Undersigned counsel, who is responsible for responding to Nelson's motion, is  
25 presently reviewing the record. Among the issues raised are the conduct and competence of Nelson's  
26 former counsel and the conduct of the prosecutor who tried the case. These issues will require review

1 of the record, legal research, and possibly a motion to waive the attorney client privilege to allow  
2 Nelson's former counsel to address Nelson's allegations.

3           2.       This is the Government's first request for an extension of time to file its response.  
4 Undersigned counsel avows that he has exercised diligence since being assigned this matter; that he  
5 seeks this extension in good faith and not for purposes of delay; and that he anticipates that the  
6 response will be filed within the additional time requested.

7       3.     To the undersigned's knowledge, Nelson is not represented by counsel. The  
8 undersigned has not spoken with Nelson, but does not have any reason to believe Nelson has any basis  
9 to oppose this request.

10 | **DATED:** this 9th day of September, 2010.

Respectfully submitted,

DANIEL G. BOGDEN  
United States Attorney

/s/ Adam M. Flake  
ADAM M. FLAKE  
Assistant United States Attorney

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA, )  
Plaintiff, ) No. 2:07-cr-132-PMP-RJJ  
vs. )  
KATHY NELSON, )  
Defendant. )  
 ) **ORDER**  
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Based upon the pending motion of the United States, and good cause appearing, **IT IS THEREFORE ORDERED** that the United States motion for a continuance is GRANTED. The United States' response to defendant's Petition Under 28 U.S.C. § 2255 is due **October 20, 2010**.

DATED this 19th day of October, 2010.

Philip M. Orr

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UNITED STATES DISTRICT JUDGE

## CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2010, I electronically filed the foregoing  
**GOVERNMENT'S MOTION FOR CONTINUANCE** with the Clerk of the Court for the United  
States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system. I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, to the following:

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/s/ Terrie Murray  
**TERRIE MURRAY**  
Legal Assistant